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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
NASUNO ET AL.
Serial No. 10/587,541
Filed: July 27, 2006



Conf. No.: 8895
Atty. Ref.: 900-559
Group: 1795
Examiner: Gardner, S.M.

For: Substrate For Photoelectric Conversion Device, Photoelectric Conversion Device, And Stacked Photoelectric Conversion Device

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated December 18, 2009 holding the subject matter of claims 1-15 to be non-obvious and patentably distinct from that of claims 16-24, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-15 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., *inter alia*, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

January 12, 2010

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